

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

RODNEY ANTONIO TUCKER,

Petitioner,

v.

JEFFREY DILLMAN,

Respondent.

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Civil Action No. 3:16CV411-HEH

**MEMORANDUM OPINION
(Dismissing § 2254 Petition Without Prejudice)**

By Memorandum Order entered September 19, 2016, the Court filed Petitioner's § 2254 petition. By that same Memorandum Order, the Court explained to Petitioner that he must inform the Court in the event he is transferred, relocated, or released during the pendency of the action. Petitioner was warned that the failure to keep the Court apprised of his current address would result in the dismissal of the action. On August 8, 2017, a Report and Recommendation was returned to the Court by the United States Postal Service marked "RETURN TO SENDER" and "NOT DELIVERABLE AS ADDRESSED." Petitioner's failure to keep the Court apprised of his current address indicates his lack of interest in prosecuting the present action. *See* Fed. R. Civ. P. 41(b). Accordingly, the action will be dismissed and a certificate of appealability will be denied.

An appropriate Order will accompany this Memorandum Opinion.

Date: Aug. 21, 2017
Richmond, Virginia


_____/s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE